

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DEONDRE CASEY,

Plaintiff,

v.

IVAN REED and JOHN DOE,

Defendants.

Case No. 2:22-cv-12604

Jonathan J.C. Grey
United States District Judge

Patricia T. Morris
United States Magistrate Judge

ORDER REQUIRING IDENTIFICATION OF JOHN DOE DEFENDANT

Plaintiff Deondre Casey filed a Complaint on October 31, 2022 against an unnamed Defendant (i.e., John Doe). (ECF No. 1). He then filed a motion to amend his complaint which was granted by the Court on July 10, 2023. (ECF Nos. 19, 25). Casey's claims, regarding the allege violation of his Eighth Amendment right to be free of cruel and unusual punishment, and state law claims of assault, battery, and negligence during his incarceration at the Macomb Correctional Facility, require the identity of John Doe Defendant for service of process purposes. Federal Rule of Civil Procedure 4(m) provides:

If a defendant is not served within 90 days after the complaint is filed, the court--on motion or on its own after notice to the plaintiff--must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

As more than 90 days has elapsed since the filing of the Complaint, the Court could recommend dismissal of the unnamed Defendants at this stage. However, since the Court is sympathetic with the difficulty plaintiffs sometimes face in seeking to identify Doe defendants, the Court will give Casey more time to do so. Casey must identify the John Doe Defendant so they may be served by the U.S. Marshal Service by June 17, 2024, or the Court will file a Report and Recommendation (“R&R”) recommending that the Doe Defendant be dismissed.

Accordingly, Casey is hereby **ORDERED** to identify the John Doe Defendant by **June 17, 2024**, or an R&R will be entered recommending that the Doe Defendant be dismissed.

IT IS SO ORDERED.

Date: May 16, 2024

S/ PATRICIA T. MORRIS
Patricia T. Morris
United States Magistrate Judge